

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

OHIO VALLEY ENVIRONMENTAL COALITION,  
WEST VIRGINIA HIGHLANDS CONSERVANCY,  
APPALACHIAN VOICES, and  
THE SIERRA CLUB

Plaintiffs,

v.

CIVIL ACTION NO. 1:19-00576

BLUESTONE COAL CORPORATION,

Defendant.

**MEMORANDUM OPINION AND ORDER**

Pending before the court is plaintiffs' motion for leave to participate remotely in the Pretrial Conference scheduled for July 28, 2020. (ECF No. 67.) For the following reasons, plaintiffs' motion for leave to participate remotely in the Pretrial Conference is **DENIED**.

On July 21, 2020, plaintiffs filed a "motion for leave to appear telephonically or otherwise participate remotely in pretrial conference." (ECF No. 67.) Due to health concerns involving COVID-19, plaintiffs request that their counsel be permitted to appear telephonically or otherwise participate remotely in the Pretrial Conference scheduled for July 28, 2020 conference. Alternatively, plaintiffs request that if in-person participation is mandated, the conference be held in the largest

space available in the courtroom. Defendant filed a response on July 23, 2020, explaining that it does not oppose the motion.

(ECF No. 70.) Initially, defendant's counsel intended to appear in person. (ECF No. 67 n.1.) In its response, though, defendant now also requests that counsel for defendant be permitted to attend the pretrial conference via video conference or telephone. (ECF No. 70.)

The court is aware of the many difficulties and dangers caused by COVID-19. The court is also aware that counsel for the parties - particularly counsel for defendant - may be particularly at-risk due to age or other co-morbidity. However, the court finds that having an in-person pretrial conference is both more effective and efficient. Therefore, the court hereby **DENIES** plaintiffs' motion, and will require in-person attendance for the pretrial conference, which will be held in the courtroom. To mitigate the genuine health concerns of the parties' counsel, the court would be amenable to granting a reasonable continuance of this matter if either party wishes to make such a motion.

The Clerk is directed to send copies of this Memorandum Opinion and Order to all counsel of record.

IT IS SO ORDERED this 27th day of July, 2020.

Enter:

A handwritten signature in black ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber  
Senior United States District Judge